



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 20, 1998

Ms. Mary Ann Courter  
Chief, Legal Services  
Texas Department of Public Safety  
5805 N. Lamar Boulevard  
Austin, Texas 78773-0001

OR98-1991

Dear Ms. Courter:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117589.

The Department of Public Safety (the "department") received a request for documents pertaining to an investigation of certain allegations made against a trooper. You assert that records responsive to this request are protected from disclosure under section 552.108 of the Government Code. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime.

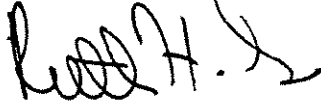
You explain that the department began an internal investigation into allegations of criminal conduct by a trooper, but temporarily suspended that internal investigation when the trooper was subsequently indicted by the Travis County Grand Jury. You state that "[o]nce the current charges have been adjudicated, the Department will resume its investigation" and that this investigation may result in further criminal charges being brought against the trooper.

Based upon the circumstances that you have described, that the department has conducted and anticipates re-opening an internal investigation into allegations of criminal conduct, we agree that releasing these investigation records could interfere with the investigation or prosecution of crime. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). Thus, the records at issue may be withheld from disclosure under section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 117589

Enclosures: Submitted documents

cc: Mr. Charles Soechting  
165 S. Guadalupe Street, Suite 200  
San Marcos, Texas 78666  
(w/o enclosures)